



18

Planning Commission Staff Report

TO: PLANNING COMMISSION

FROM: JORDAN FELD, AICP, SENIOR PLANNER
(480) 503-6748, JORDAN.FELD@GILBERTAZ.GOV *DF*

THROUGH: CATHERINE LORBEER AICP, PRINCIPAL PLANNER
(480) 503-6016, CATHERINE.LORBEER@GILBERTAZ.GOV *ajl*

MEETING DATE: OCTOBER 1, 2014

SUBJECT: Z14-15(B): REQUEST TO AMEND THE TOWN OF GILBERT LAND DEVELOPMENT CODE: CHAPTER I ZONING REGULATIONS, DIVISION 6 USE DEFINITIONS, ARTICLE 6.1 USE DEFINITIONS, STABLES, RESIDENTIAL RELATED TO OWNERSHIP OF ANIMALS; CHAPTER I ZONING REGULATIONS, DIVISION 4 GENERAL REGULATIONS, ARTICLE 4.5 SUPPLEMENTAL USE REGULATIONS, SECTION 4.508 ANIMAL SERVICES RELATED TO SETBACKS FOR ANIMAL EXERCISE AREAS; CHAPTER I ZONING REGULATIONS, DIVISION 4 GENERAL REGULATIONS, ARTICLE 4.4 SIGN REGULATIONS, SECTION 4.407 COMMERCIAL, SECTION 4.409 OFFICE/EMPLOYMENT, AND SECTION 4.4010 PUBLIC FACILITY/INSTITUTIONAL RELATED TO CORPORATE FLAGS.

STRATEGIC INITIATIVE:

Community Livability

The proposed text amendments represent the product of a comprehensive review undertaken to clarify terms and add cross references where needed. The proposed amendments will also resolve discrepancies, reflect current development standards and amend the glossary of terms to enhance the live, work, play environment.

RECOMMENDED MOTION

FOR THE REASONS SET FORTH IN THE STAFF REPORT, MOVE TO RECOMMEND APPROVAL TO THE TOWN COUNCIL FOR Z-14-15-B.

BACKGROUND/DISCUSSION

At the Planning Commission's July 2, 2014 meeting, the Commission held a citizen review and initiated Z14-15, a comprehensive text amendment of the Land Development Code to address a multitude of technical corrections, improvements and enhancements with the goal of realizing opportunities for more consistent, predictable and desired development outcomes. During discussion, staff noted that it would be returning with various components of the comprehensive text amendment as each portion was ready for Planning Commission review. At the Planning Commission's August 6, 2014 Study Session, the Commission discussed the Part A text amendments which included ten distinct components. This "second batch" of text amendments, Part B, includes three distinct proposed changes to the Land Development Code; each text amendment has been assigned a case file identifier (eg, B.1). The proposed text amendments were reviewed during the Planning Commission September 3, 2014 Study Session. The proposed text amendments are presented below for discussion purposes only.

Z-14-15-B.1 "Residential Stables"

Z-14-15-B.2 "Outdoor Animal Runs"

Z-14-15-B.3 "Corporate Flags"

Overview

Z-14-15-B.1 "Residential Stables"

During the August 6, 2014 Board of Adjustment public hearing, the Board considered an appeal of the Zoning Administrator's determination regarding the keeping of horses in a residential zoning district. At issue was the ability of the property owner to maintain a non-commercial stable; as an outcome of the Board's discussion, the Planning Commission asked staff to revisit the Land Development Code's treatment of residential stables.

In reviewing the Land Development Code, the Town Code and the Maricopa County Zoning Ordinance; staff noted several areas of regulation that have bearing on the issue. LDC Table 2.103: Land Use Regulations – Single Family Residential Districts, allows both Commercial and Non-Commercial Stables in certain residential districts. "Stables, Commercial" is allowed in SF-43 and SF-35 zoning districts with a conditional use permit while "Stables, Non-Commercial" is allowed by right as a use incidental to the principal use in SF-43, SF-35, SF-15, SF-10 and SF-8 zoning districts. Additionally, "Animal Raising, Non-Commercial" is allowed by right in SF-43, SF-35, SF-15, SF-10 and SF-8 zoning districts.

There are several regulations associated with these animal-keeping allowances, as noted below:

LDC, Section 2.107 Additional Use Regulations, Part A.2

Livestock. Large and small livestock animals are permitted on lots of 15,000 net square feet and larger. The number of livestock are determined as follows:

- a. One large livestock animal is permitted for each 10,000 square feet of net lot area.*
- b. One small livestock animal is permitted for each 5,000 square feet of net lot area.*
- c. Where both large and small livestock animals are kept, the minimum required lot area shall be cumulative.*

LDC, Section 2.107 Additional Use Regulations, Part B

Stables, Commercial.

- 1. Minimum Net Lot Area: 10 acres.*
- 2. Structures. Any structure housing animals shall be set back at least 100 feet from all property lines.*

LDC, Section 2.107 Additional Use Regulations, Part C

Equestrian Arenas.

- 1. Minimum Net Lot Area: 10 acres.*
- 2. Structures.*
 - a. Any structure housing animals overnight shall be set back at least 100 feet from all property lines.*
 - b. Any structure housing animals other than overnight shall be set back at least 50 feet from all property lines.*
 - c. The location and operation of any arena shall be as set forth in the Use Permit. Conditions may be imposed to minimize noise, dust, light, odors, and other negative impacts on adjacent uses.*

LDC, Section 2.107 Additional Use Regulations, Part D

Stables, Residential. Any structure housing animals is an accessory structure subject to the requirements of Section 2.106B: Accessory Structures, except that such structure shall be set back at least 20 feet from all property lines.

Further informing the regulations noted above, the LDC Use Definitions Section and the Town Code clarifies the types of activities associated with these use regulations by providing definitions of certain terms, as noted below:

LDC, Article 6.1: Use Definitions

Animal Raising, Non-Commercial. The keeping, grazing or feeding of fowl or animals not for profit.

Stables, Commercial. Facilities for boarding or renting horses, mules, or ponies where a fee is charged for such services. Equestrian lessons may be provided. A Feed Lot is not a commercial stable.

Stables, Residential. A detached accessory structure for the keeping of horses, mules, and ponies owned by the occupants of the premises and not offered for compensation.

Town Code; Chapter 6, Article III “Livestock and Nondomestic Animals”; Sec. 6-126.
Definitions.

Large livestock animal means cattle, ox, horse, mule, and donkey.

Livestock animal means cattle, ox, horse, mule, donkey, sheep and goat.

In analyzing the Land Development Code with respect to ownership of livestock that is kept on a residential lot, it appears that ownership differentiation only arise when the animal keeping involves a Stable (ie, a detached structure for keeping certain types of livestock). For instance animal raising or keeping on a large residential lot that is only secured by a perimeter fence could legally contain numerous large animals that are not owned by the occupant. Accordingly, as there does not appear to be material difference in whether or not the certain livestock is given a permanent enclosure (so long as the minimum setback is maintained for the enclosure); staff finds the requirement that certain livestock be owned by the property’s occupant is not necessary. Moreover, the practice of keeping horses, mules and ponies not owned by the occupant of large rural residential lots appears to be a traditional activity of the Town.

At the Planning Commission’s September 3, 2014 Study Session, the Commission discussion on this item covered a range of issues related to the quantity of animals kept, the differences between commercial and non-commercial operations in a residential district and the impetus for the text amendment. Staff finds the proposed text amendment deals specifically with the ownership type of animals that may be housed in a non-commercial stable on residentially-zoned land and that the text amendment does not address several of the concerns that may be related to that. Considering the impetus for the text amendment, staff believes the narrow scope of the proposed change as previously recommended best serves the community interests involved and therefore recommends the previously proposed text amendment.

Proposed Zoning Code Amendment

Planning staff proposes changes to the Land Development Code to modify the requirement that a Residential Stable be limited to certain livestock owned by the occupant of the lot.

Chapter I Division 6 Use Definitions “Stables, Residential”

Article 6.1 Stables, Residential is hereby amended to read as follows (additions in ALL CAPS UNDERLINE; deletions in ~~strikeout~~):

* * *

Stables, Residential (NON-COMMERCIAL). A detached accessory structure for the keeping of horses, mules, and ponies, REGARDLESS OF OWNERSHIP, ~~owned by the occupants of the premises~~ and not offered for compensation.

* * *

Overview

Z-14-15-B.2 “Outdoor Animal Runs”

Staff has noted a potential concern with outdoor animal runs, both through comments received by Planning Division customers as well as staff field observations. The issue relates to the placement of outdoor animal runs in close proximity to the primary entrance of buildings, whether the entrance is for the animal service use directly or providing pedestrian access to adjacent suites. Article 4.5 “Supplemental Use Regulations” of the Land Development Code promulgates siting requirements for outdoor animal runs, as provided below.

LDC, Article 4.508 Animal Services

Animal services shall comply with the following standards:

- A. Setbacks. Outdoor runs and exercise areas shall be located a minimum of 100 feet from any residential use or district. Interior boarding structures shall be located a minimum of 25 feet from any property line.*
- B. Fencing. Outdoor runs and exercise areas shall be enclosed by a minimum 6 foot fence.*
- C. Prohibitions. Outdoor boarding of animals other than livestock is prohibited.*

The observed issue specifically is that there is no requirement for separation of outdoor runs from the public entrance of a building, there is no requirement for separation from non-residential property lines, and the separation from residential uses appears unnecessarily burdensome. Outdoor animal runs are often characterized by a host of externalities (odors, noise and even animal aggression) that need to be mitigated through siting requirements. The proposed text amendment incorporates additional mitigations that are in keeping with the level of on and off-site impacts created by these specific animal service activities.

At the Planning Commission’s September 3, 2014 Study Session, the Commission discussion on this item was minimal, however, staff did note its intent to retain the 100’ separation from residential districts so that the proposed regulation would supplement (not replace) the existing standard.

Proposed Zoning Code Amendment

Planning staff proposes changes to the Land Development Code to provide additional lot siting requirements for outdoor animal runs.

Chapter I Division 4 General Regulations, Article 4.5 Supplemental Use Regulations

Article 4.508 Animal Services is hereby amended to read as follows (additions in ALL CAPS UNDERLINE; deletions in ~~strikeout~~):

* * *

Animal services shall comply with the following standards:

- A. ***Setbacks.*** Outdoor runs and exercise areas shall NOT be located WITHIN A REQUIRED LANDSCAPE SETBACK OR WITHIN a minimum of 100 feet from any residential use or district, WHICHEVER IS MORE RESTRICTIVE. Interior boarding structures shall be located a minimum of 25 feet from any property line.
- B. ***Fencing.*** Outdoor runs and exercise areas shall be enclosed by a minimum 6 foot fence.
- C. ***Prohibitions.*** Outdoor boarding of animals other than livestock is prohibited.
- D. **PRIMARY BUILDING ENTRANCES. OUTDOOR RUNS AND EXERCISE AREAS SHALL NOT BE LOCATED WITHIN 25 FEET OF ANY BUILDING'S PRIMARY ENTRANCE.**

* * *

Overview

Z-14-15-B.3 “Corporate Flags”

The business community has expressed a desire to maintain a corporate flag to further promote the brand and unique identity of commercial operations. The Land Development Code currently only provides for non-commercial messages on flag-type signage. In reviewing a handful of zoning ordinances from other comparative municipalities, corporate flags are either allowed as part of the overall signage allotted for a commercial development or they carry their own requirements that are separate from the base signage requirements. To meet objectives of the business community with corporate flags, it appears the LDC can be relatively easily amended to provide for a separate allowance for corporate flags that does not affect the existing commercial and industrial signage requirements.

At the Planning Commission’s September 3, 2014 Study Session, the Commission discussion on this item focused on ensuring that the flag only bore the company logo and clarifying how the flag can be mounted. Staff has modified the proposed text amendment to address these concerns. In addition to the Planning Commission’s input, staff reviewed this text amendment with the Design Review Board at their September 11, 2014 Study Session. The Design Review Board suggested a spacing requirements should be considered to prevent corporate flag proliferation. Staff finds that, at least initially, a separation or spacing requirement should not be implemented as it is unlikely that several businesses in close proximity would seek out this form of business “branding” and the tracking needed to implement a separation requirement would not be efficient or easily implemented at the staff-level.

Proposed Zoning Code Amendment

Planning staff proposes changes to the Land Development Code to provide additional signage allowances for corporate flags.

Chapter I Division 4 General Regulations, Article 4.4 Sign Regulations

Article 4.407.C Commercial Permanent Signs is hereby amended to read as follows (additions in ALL CAPS UNDERLINE; deletions in ~~strikeout~~):

* * *

8. CORPORATE FLAG

- A. ONE CORPORATE FLAG SHALL BE ALLOWED PER BUSINESS.
- B. CORPORATE FLAGS MAY NOT EXCEED 25 SQUARE FEET IN AREA AND NO DIMENSION (HEIGHT OR LENGTH) OF THE FLAG SHALL EXCEED 6 FEET.
- C. A CORPORATE FLAG SHALL BE MOUNTED ON A FIXED OR ANCHORED POLE, EITHER FREESTANDING OR BUILDING-INTEGRATED.
- D. NO PORTION OF THE MOUNTED CORPORATE FLAG SHALL EXCEED THE HEIGHT OF THE PRINCIPAL STRUCTURE OR 50 FEET, WHICHEVER IS LESS.
- E. A CORPORATE FLAG MAY ONLY CONTAIN THE COMPANY LOGO OF THE BUSINESS WHERE THE FLAG WILL BE DISPLAYED.

* * *

Chapter I Division 4 General Regulations, Article 4.4 Sign Regulations

Article 4.409.C Office/Employment Permanent Signs is hereby amended to read as follows (additions in ALL CAPS UNDERLINE; deletions in ~~strikeout~~):

* * *

4. CORPORATE FLAG

- A. ONE CORPORATE FLAG SHALL BE ALLOWED PER BUSINESS.
- B. CORPORATE FLAGS MAY NOT EXCEED 25 SQUARE FEET IN AREA AND NO DIMENSION (HEIGHT OR LENGTH) OF THE FLAG SHALL EXCEED 6 FEET.
- C. A CORPORATE FLAG SHALL BE MOUNTED ON A FIXED OR ANCHORED POLE, EITHER FREESTANDING OR BUILDING-INTEGRATED.
- D. NO PORTION OF THE MOUNTED CORPORATE FLAG SHALL EXCEED THE HEIGHT OF THE PRINCIPAL STRUCTURE OR 50 FEET, WHICHEVER IS LESS.
- E. A CORPORATE FLAG MAY ONLY CONTAIN THE COMPANY LOGO OF THE BUSINESS WHERE THE FLAG WILL BE DISPLAYED.

* * *

Chapter I Division 4 General Regulations, Article 4.4 Sign Regulations

Article 4.4010 Public Facility/Institutional Permanent Signs is hereby amended to read as follows (additions in ALL CAPS UNDERLINE; deletions in ~~strikeout~~):

* * *

3. CORPORATE FLAG

- A. ONE CORPORATE FLAG SHALL BE ALLOWED PER BUSINESS.
- B. CORPORATE FLAGS MAY NOT EXCEED 25 SQUARE FEET IN AREA AND NO DIMENSION (HEIGHT OR LENGTH) OF THE FLAG SHALL EXCEED 6 FEET.
- C. A CORPORATE FLAG SHALL BE MOUNTED ON A FIXED OR ANCHORED POLE, EITHER FREESTANDING OR BUILDING-INTEGRATED.
- D. NO PORTION OF THE MOUNTED CORPORATE FLAG SHALL EXCEED THE HEIGHT OF THE PRINCIPAL STRUCTURE OR 50 FEET, WHICHEVER IS LESS.
- E. A CORPORATE FLAG MAY ONLY CONTAIN THE COMPANY LOGO OF THE BUSINESS WHERE THE FLAG WILL BE DISPLAYED.

* * *

PUBLIC NOTIFICATION AND INPUT

A notice of public hearing was published in a newspaper of general circulation in the Town, and an official notice was posted in all the required public places within the Town.

STAFF RECOMMENDATION

For the following reasons: the proposed regulations will provide for better Land Development Code clarity, enhance economic development opportunities and maintain the public's welfare, the Planning Commission moves to recommend approval to the Town Council for Z14-15-B, a request to amend Land Development Code regulations: Stables, Residential related to ownership of animals; Animal Services related to setbacks for animal exercise areas; and Signage in Commercial, Office/Employment and Public Facility/Institutional districts related to corporate flags.

Respectfully submitted,



Jordan Feld, AICP

Senior Planner

Attachments:

1. Findings of Fact

FINDINGS OF FACT
Z14-15-B

Staff provides the following findings of facts, to substantiate approval of text amendments to the Zoning Code:

1. The proposed text amendment conforms to the General Plan as amended, any applicable Specific Area Plan, neighborhood, or other plan and any overlay zoning district.
2. All required public notice has been conducted in accordance with applicable state and local laws.
3. All required public meetings and hearings have been held in accordance with applicable state and local laws.